

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH DEMOND THOMPSON,

Petitioner,

CASE NO. 07-11726.

v.

WARDEN, FCI MANCHESTER,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Respondent.

**ORDER DENYING PETITIONER'S MOTIONS
FOR RECONSIDERATION AND FOR A DEFAULT JUDGMENT**

On April 19, 2007, petitioner Keith Demond Thompson filed a *pro se* application for the writ of habeas corpus under 28 U.S.C. § 2254. On May 29, 2007, the Court ordered Respondent to file a responsive pleading by November 26, 2007. Respondent complied with the Court's order by filing an answer to the habeas petition on November 26, 2007. Petitioner nonetheless requested a Clerk's entry of default on January 7, 2008. The Clerk of Court denied his request on the ground that Respondent filed an answer to the habeas petition. The Court then dismissed the habeas petition without prejudice because Petitioner is not in custody for the conviction being challenged. Currently pending before the Court are Petitioner's motion for reconsideration of the Clerk's denial of his request for a default and Petitioner's motion for a default judgment.

Respondent filed a timely responsive pleading and was not in default when Petitioner sought a Clerk's entry of default. Moreover, a default judgment is not available in habeas corpus proceedings. *Allen v. Perini*, 424 F.2d 134, 138 (6th Cir. 1970). Accordingly, Petitioner's motion for reconsideration [Doc. 13, Jan. 24, 2008], and his motion for a default judgment [Doc.

11, Jan. 7, 2008] are DENIED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: February 6, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 6, 2008.

s/Denise Goodine
Case Manager